



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Hon. Roy Loventhal, Chairman  
Livestock Sanitary Commission of Texas  
2002 W. T. Waggoner Building  
Fort Worth, Texas

Dear Sir:

Opinion No. 9-2398  
Re: Supplementing salary of  
state employees from  
Federal funds.

This will acknowledge receipt of your request for an opinion on the question of whether or not certain employees of the Livestock Sanitary Commission of Texas working in the office of the Predatory Animal Division, Bureau of Biological Survey, United States Department of the Interior, may have their salaries supplemented either by the Federal government or by the commissioners' Courts.

We assume for the purpose of this opinion that the employees referred to are provided for and their salaries fixed by the Departmental Appropriation Bill of the 46th Legislature of the State of Texas.

The following pertinent provisions are contained in Senate Bill 427, Acts of the 46th Legislature:

"The appropriations herein provided are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and the amounts are intended to cover and shall cover the entire cost of the respective items and the same shall not be supplemented from any other source; and, except as otherwise provided, no other expenditures shall be made, nor shall any other obligations be incurred by any department of this State, provided however that nothing herein shall prevent any department head from paying less than the maximum amount set forth herein for any salaried position.

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"Limitation of Payments. Except as otherwise provided, whenever, by virtue of the provisions of this Act, items are to be paid out of fees, receipts, special funds or out of other funds available for use by a department, it is the intention of the Legislature to limit expenditures out of said fees, receipts, special funds or other available funds to the purposes and in the amounts itemized herein, and it is so provided.

"It is provided that any nurse employed by the State Health Department not receiving \$125.00 per month under this Act may have her salary supplemented from Federal funds in the sum of \$12.50 per month upon approval of the proper Federal authorities."

The Legislature, in providing that the salaries of nurses employed by the State Health Department might be supplemented out of Federal funds upon approval by the proper Federal authorities, manifests a legislative intent to prohibit the supplementing of the salary of any other state employee.

It is the opinion of this department therefore that the salaries of the employees involved in your inquiry cannot be supplemented, either by the Federal government or the commissioners' courts of this state.

Yours very truly -

APPROVED AUG 16, 1940

ATTORNEY GENERAL OF TEXAS

*George W. Cox*  
FIRST ASSISTANT  
ATTORNEY GENERAL

By

*Lloyd Armstrong*  
Lloyd Armstrong  
Assistant

LA:jm